

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

Bail Appl..No. 3563 of 2007(A)

(C.R NO. 25/2007 of CHADAYAMANGALAM EXCISE RANGE)

PETITIONER/ACCUSED:

RAJENDRAN, S/O. SIVADASAN,
LIJUSADANAM, ATTOORKONAM, KARINGANNOOR MURI,
VELINALLOOR VILLAGE, KOTTARAKKARA.

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. JAI GEORGE, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J
= = = = =
B.A.No.3563 Of 2007

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Dated this the 19th day of June, 2007

ORDER

Application for regular bail. The petitioner was allegedly found in possession of 35 litres of spirit on 8.5.2007. He was arrested and continues in custody from that date. The learned counsel for the petitioner submits that the petitioner is innocent and directions may be issued to release the petitioner on bail, subject to appropriate conditions. The learned Public Prosecutor opposes the application. Considering the nature and gravity of the offence and the fact that the petitioner is an accused in another abkari offence, the prosecution is obliged to oppose the application, submits the learned Public Prosecutor.

2. In the wake of the opposition by the learned Public Prosecutor, bail can be granted to the petitioner, only if this Court is in a position to entertain both the satisfactions contemplated under Section 41A of the Abkari Act. In the circumstances of this case, I am unable to entertain either of those two satisfactions. Hence bail cannot be granted to the petitioner.

3. In the result this bail application is dismissed. I may hasten to observe that the petitioner shall at liberty to move this Court or the learned Sessions Judge for bail again at a later stage of the investigation,- not at any rate prior to 30.6.2007. The Investigating Officer shall, in the meantime make every endeavor to complete the investigation.

(R.BASANT, JUDGE)

sj